

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DAVID MORTON,

v.

Plaintiff,

KENNETH WILLIAMS, *et al.*,

Defendants.

Case No. 3:24-cv-00402-MMD-CSD

ORDER

11 Pro se Plaintiff David Morton, who is incarcerated in the custody of the Nevada
12 Department of Corrections, brought this case under 42 U.S.C. § 1983 against prison
13 employees and officials, alleging deliberate indifference to his serious medical needs in
14 violation of his Eighth Amendment rights. (ECF No. 1-1.) Before the Court is the Report
15 and Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney (ECF
16 No. 27), recommending the Court deny Plaintiff’s motions for a temporary restraining
17 order (ECF No. 5) and a preliminary injunction (ECF No. 6), but order Defendants to file
18 sealed status reports both when Plaintiff is scheduled to see an orthopedic oncologist,
19 and again when that appointment occurs. To date, no objections to the R&R have been
20 filed. For this reason, and as further explained below, the Court will adopt the R&R in full.

21 Because there is no objection, the Court need not conduct *de novo* review, and is
22 satisfied that Judge Denney did not clearly err. See *United States v. Reyna-Tapia*, 328
23 F.3d 1114, 1116 (9th Cir. 2003) (“*De novo* review of the magistrate judges’ findings and
24 recommendations is required if, but *only* if, one or both parties file objections to the
25 findings and recommendations.” (emphasis in original)). Judge Denney first recommends
26 the Court deny Plaintiffs’ motions seeking injunctive relief regarding further evaluation and
27 treatment of his foot because he has already secured his requested relief; he has seen
28 several foot specialists and is scheduled to see an orthopedic oncologist. (ECF No. 27 at

1 8.) However, Judge Denney recommends the Court require Defendants to submit sealed
2 status updates to ensure Plaintiff has his scheduled appointments. (*Id.* at 8-9.) Judge
3 Denney next recommends the Court deny Plaintiffs' motions to the extent he seeks
4 hematology and cancer panels because those appointments depend on outside
5 specialists beyond the Court's jurisdiction. (*Id.* at 9-10.) Judge Denney finally
6 recommends the Court deny Plaintiff's pending motions to the extent he seeks a non-slip
7 shower stool because that request lacks a sufficient nexus to the conduct alleged in
8 Plaintiff's Complaint. (*Id.* at 11-12.) Having reviewed the R&R, Judge Denney did not
9 clearly err.

10 It is therefore ordered that Judge Denney's Report and Recommendation (ECF
11 No. 27) is accepted and adopted in full.

12 It is further ordered that Plaintiff's motions for a temporary restraining order and a
13 preliminary injunction (ECF Nos. 5, 6) are denied.

14 It is further ordered that Defendants must provide status updates, under seal, when
15 Plaintiff's appointment to see an orthopedic oncologist is scheduled and again when the
16 appointment has occurred.

17 DATED THIS 25th Day of February 2025.

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21 MIRANDA M. DU
22 UNITED STATES DISTRICT JUDGE
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